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SUBJECT: FOR RELEASE: ARREST OF THREE OUT-OF-STATE U.S. VISA FRAUD
FACILITATORS EXEMPLIFIES A FORWARD STEP IN BRAZILIAN INTER-STATE /
INTER-AGENCY COOPERATION

1. (SBU) SUMMARY: Three of the most notorious visa fraud facilitators, based out of the neighboring state of Minas Gerais, provided the first real challenge for the Assistant Regional Security Officer Investigator (ARSO/I) Sao Paulo program. Amidst a steady flow of the facilitators' clients targeting the U.S. Consulate in Sao Paulo, refusal of Federal Police support, and a historical divide amongst State (Civil) Police, a new strategy developed and executed by the ARSO/I team led to an inter-state, multi-agency police operation and the arrest of the three facilitators, the uncovering of a sophisticated visa fraud scheme, and set a precedent for future, effective Consulate - State Police cooperation.

END SUMMARY.

Background

2. (SBU) For at least ten years, three individuals known only as, "Nilson," "Eliane," and "Sheila," (known hereafter as THE FACILITATORS) were repeatedly identified by confronted mala fide Non-Immigrant visa (NIV) applicants across Mission Brazil NIV-issuing posts as the individuals responsible and earning money for facilitating visa fraud. Unique in their ability to limit attainable information about themselves or their businesses from their clients' application forms or during Brazilian Police interrogation, THE FACILITATORS' potency was measured as much in their longevity as in their ability to mask their identity from applicants and from interested officials both in and out of Mission Fraud Prevention Units (FPU). Compounding the difficulty in investigating and prosecuting THE FACILITATORS was the fact that THE FACILITATORS operated out of Belo Horizonte, Minas Gerais state. Long recognized as a high fraud area, Minas Gerais is located in the central east of Brazil and neighbors three of four U.S. NIV-issuing posts. Hundreds of kilometers from the nearest U.S. post, Belo Horizonte, where the visa fraud would take place, lay beyond the effective reach of the FPUs. Historically estranged relationships between State Police Precincts made going after THE FACILITATORS extremely difficult; successful advocacy of a U.S. criminal case to a State Precinct in one State would likely not mean successful acceptance for action by a State Police Precinct in the State where the crime originated.

Enter the ARSO/I, Exit the DPF

13. (SBU) The creation of an Assistant Regional Security Officer Investigator (ARSO/I) position at U.S. Consulate Sao Paulo in September 2007 allowed for fulltime U.S. law enforcement investigation into THE FACILITATORS. In the following year, five FACILITATOR-linked NIV fraud arrests were made at the U.S. Consulate Sao Paulo, along with routine FPU encounters of the FACILITATORS' names during interviews with mala fide NIV applicants. The first ARSO/I effort to prosecute THE FACILITATORS was made at the Federal Police (DPF) office in Belo Horizonte in August 2008. ARSO/I and FSN/I explained the fraud and gave the DPF all evidence collected against THE FACILITATORS; however the DPF declined to take the case. With the DPF door shut, and no end in sight to the flow of FACILITATOR-dispatched applicants, a new strategy was needed, and ARSO/I, FSN/I and Vetted Unit Chief went back to the drawing board to design a new plan.

Forging a Bridge to Belo: Anchor Point Sao Paulo

14. (SBU) With the Brazilian State Police remaining as the only

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option for investigation and prosecution of THE FACILITATORS, ARSO/I required a mechanism by which to overcome historical distrust among inter-state police authorities, while simultaneously convincing two separate precincts to take on a crime that originated in one state, and took place in another. The new strategy to accomplish this began by ensuring all FACILITATOR clients were identified and arrested across Mission Brazil, and statements against THE FACILITATORS collected. With lookouts sent to the other Posts, from September 2008 to September 2009, Mission Brazil FPUs identified and passed to the respective RSO sections 25 additional FACILITATOR cases leading to arrests. For Sao Paulo, the key was to forge a consistent, credible relationship with the responsible Chief (Delegado) of the Precinct that would handle all of the arrests.

15. (SBU) The Civil Police Sixth Section Precinct is located approximately 25 minutes by car from the U.S. Consulate Sao Paulo, and a series of diplomatic efforts, meetings, and successful joint cases not related to THE FACILITATORS produced a professional and effective partnership with the Precinct's Chief, Dr. Paulo Pereira de Paula. Processing all 22 FACILITATOR arrests at the U.S. Consulate Sao Paulo, Dr. Paulo and his Officers proved to be an effective and reliable ally against THE FACILITATORS. Through this sustained, mutually beneficial effort, Dr. Paulo agreed to work jointly with ARSO/I in identifying and working with a Belo Horizonte-based Prosecutor to go after the FACILITATORS in their home town.

Forging a Bridge to Belo: Anchor Point Belo Horizonte

16. (SBU) ARSO/I concentrated on working with/establishing contact with Belo Horizonte-based State Prosecutors in order to circumvent traditional inter-state police distrust. At the time, the Chief of the Minas Gerais State Prosecutor's Office, Dr. Jarbas Soares Junior, intended to travel to the United States with his family for vacation, and he reached out to FSN/I Sao Paulo for assistance with the visa process. Seizing on the opportunity, ARSO/I submitted the appropriate visa referral and used the visa processing time to present a PowerPoint presentation regarding THE FACILITATORS to Dr.

Jarbas. The approach worked, and Dr. Jarbas assigned Belo Horizonte State Prosecutor Dr. Andre Estevao Ubaldino Pereira to prosecute the case against THE FACILITATORS, based on arrests and evidence collected from U.S. Consulate Sao Paulo. Dr. Andre travelled to Sao Paulo in July 2009, and ARSO/I facilitated a meeting between Dr. Andre and Sao Paulo State Police Chief Dr. Paulo. The meeting was wholly successful, and both parties agreed to work together with ARSO/I in going after THE FACILITATORS.

Operation Triple Tap

17. (SBU) Now known by the Diplomatic Security Service as case VF-2009-00698, the investigation into THE FACILITATORS picked up full steam with the concerted effort of the Belo Horizonte Prosecutor's Office and Sao Paulo State Police. Backed by continued arrests in Sao Paulo linked to THE FACILITATORS, Dr. Andre issued seven search warrants for the homes and business owned by Nilson Santos Dias Junior, Eliane Pires Viau, and Sheila Cristina De Moraes with an execution due date of October 18, 2009. Dr. Andre agreed to allow ARSO/I and FSN/I Sao Paulo to observe the execution of the search warrants (dubbed Operation Papyrus in Brazil and Operation Triple Tap in the United States). Regional Security Office (RSO) Sao Paulo Vetted Unit Chief, a Sao Paulo-based Civil Police investigator, was allowed to participate in the actual search warrants, along with Belo Horizonte Military Police Officers, making Operation Triple Tap a truly joint venture.

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18. (SBU) Commencing just before dawn on October 14, 2009, Operation Triple Tap included some 42 State and Military Police Officers representing both Belo Horizonte and Sao Paulo. All three targets were found in their homes, which were subsequently searched. After conclusion of the residential search warrants, THE FACILITATORS were taken individually to their offices for further search. Upon conclusion of the office search warrants, all three FACILITATORS were placed under arrest by the Civil Police based on evidence found in their homes and offices on the following charges: Article 288 Conspiracy; Article 171 Fraud; Article 297 Falsifying Public Documents; and Article 298 Falsifying Private Documents. The charges come with a possible sentence of five to fifteen years if convicted.

Comment

19. (SBU) The execution of Operation Triple Tap yielded some disturbing information about the visa facilitation business in Brazil. Grossly evident in the offices of THE FACILITATORS was the sheer volume of demand for their services. While the culture of legal facilitation around bureaucratic processes in Brazil is prevalent (such facilitators are called "Despachantes"), the move to illegal facilitation is as short as it is easy and profitable. In terms of visa fraud, understanding of the mechanics of the fraud, as well as the relevance to local authorities is a constant struggle for Mission Brazil. Indeed, media reports of Operation Papyrus just hours after the arrests questioned repeatedly the actual existence of a crime. Further, the decision to arrest THE FACILITATORS was solely based on the existence of notary stamps controlled by judicial authority. These stamps are used to certify official Brazilian documents often used by NIV applicants as supporting documentation. However, far overshadowing the notary stamps were the piles of immigration entry and exit stamps from many European and South American countries, to include individual immigration officer identity stamps. The preponderance of these stamps, along with other collected evidence show THE FACILITATORS existed for so long and with such success by concentrating on giving their clients a tailored illusion of a being a bona fide NIV applicant, as opposed to the more commonplace and simple technique of just selling fake document packages containing such items as

income statements or proof of employment. Intelligence collected by Police from associated arrests told of THE FACILITATORS giving hour long classes on NIV interview conduct to their clients; and together with the evidence found in the search warrants, it appears THE FACILITATORS specialized in exploiting the requirements of overcoming the intent of illegally immigrating to the U.S. (known as "214b" to adjudicating NIV officers). This sophisticated fraud technique, coupled with ensuring applicants personally filled out the DS-156 visa application forms with their individual contact information, rendered standard fraud prevention techniques less effective. However, in the end, effective bilateral, interagency, cross-state cooperation proved effective.

¶10. (SBU) The collaborative efforts of Sao Paulo and Belo Horizonte State Police, operationally aided by the Military Police, mark a first for the ARSO/I Sao Paulo program. Going forward, ARSO/I Sao Paulo plans to work closely with Mission Brazil Fraud Prevention Managers to develop an effective defense against THE FACILITATORS' fraud scheme. The success of Operation Triple Tap and the means by which it came about will serve as a precedent for future endeavors, and highlights the potential for a new and exciting program.

¶11. (U) This cable was cleared by Consul General and RSO Brasilia.
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